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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,562	02/27/2004	Artur Mitterer	20695D-000120US	9550
44183	7590	05/08/2007	EXAMINER	
BAXTER HEALTHCARE CORPORATION			ROBINSON, HOPE A	
ONE BAXTER PARKWAY			ART UNIT	PAPER NUMBER
MAIL STOP DF2-2E			1652	
DEERFIELD, IL 60015				

  

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05/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ <u>10/789</u> FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
CONTROL NO. <u>562</u>		

EXAMINER

ART UNIT      PAPER

20070505

DATE MAILED:

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Commissioner for Patents

The Amendment filed on November 7, 2006 is non-responsive (MPEP ' 821.03). Claim 17 has been amended to read on the non-elected invention of Group III (A preparation). The elected and examined invention was directed to "Factor VIII:C", whereas the claims as amended read : "an isolated protein fraction comprising a FVIII/vWF complex". The amendatory language is not readable on the elected invention because the originally filed claims are drawn to a single product. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. The claims as amended would have been subjected to a Restriction Requirement had they been presented at the time of filing. In addition, the claim listing has an improper claim status for claim 1 which is (original). The proper claim identifier should be "Withdrawn". Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy, can be reached at (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HOPE ROBINSON  
PRIMARY EXAMINER

Hope A. Robinson  
Primary Examiner  
Art Unit: 1652

44  
9/17/07